

October 15, 2007 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, October 15, 2007 at 7:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Barbara A. Barrow

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

ACTING AS A BOARD OF LICENSE COMMISSION

1. Continued from October 1, 2007

Public Hearing (Advertised; Abutters notified)

Application of Wiggins Enterprises, Inc., dba The Glass Onion, holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 909 East Main Road, Middletown, to TRANSFER LOCATION of said license to 1258 West Main Road, Middletown.

Councillor Silveira disqualified himself from acting on this matter, due to a possible conflict of interest, business related.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to continue this matter to November 5, 2007 the next regular meeting of the board.

CONSENT CALENDAR

1. Communication of City Clerk, City of Newport, with enclosure, re: Resolution requesting support in opposition to any form of expansion at Newport Grand.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

2. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

3. Resolution of the Council, re: Authorizing cancellation of taxes for certain Middletown taxpayers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

4. Memorandum of Town Administrator, with enclosures, re: Surplus fire hose.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

5. Resolution of the Council, re: Declaring obsolete fire hose surplus, and donate to Sail Newport.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

TOWN COUNCIL

1. Continued from October 1, 2007

Application of Wiggins Enterprises, Inc., dba Glass Onion, 1258 West Main Road, for Victualling House License for the 2007 - 2008 licensing year. (NEW)

Councillor Silveira disqualified himself from acting on this matter, due to a possible conflict of interest, business related.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to continue this matter to November 5, 2007 the next regular meeting.

2. Public Hearing (Advertised, Abutters Notified)

Amendment to the Town's Comprehensive Community Plan (Second Reading)

Amendment to Town's Comprehensive Community Plan, Future Land Use Plan, proposing to designate as High Density Residential, TAP 102, Lot 2 - Landings (former Anchorage Navy Housing) and TAP 101, Lot 22 - Coddington Cove Navy Housing.

Public Hearing was declared open.

Town Planner Ron Wolanski addressed the Council noting the Planning Board was approached to rezone these two properties, which have now become public properties. The planning board recommends that the current use of institutional be changed to high density residential.

There being no other persons present desiring to be heard on this matter, public hearing was declared closed.

On motion Vice Chair Mello, duly seconded, it was voted unanimously

to adopt said Comprehensive Community Plan Amendment on its second reading.

3. Public Hearing (Advertised, Abutters Notified)

An Ordinance of the Town of Middletown (Second Reading)

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, proposing to change the zoning classification of Lot 2, TAP 102 - Landings (former Anchorage Navy Housing) from classification of Public (P) to Residential Multi-Family (RM)

Public Hearing was declared open.

Town Planner Ron Wolanski noted that the Planning Board recommends these properties to be re-designated from Public (P) to residential multifamily (RM), which is the present use.

There being no other persons present desiring to be heard on this matter, public hearing was declared closed.

On motion Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance, as amended.

4. Memorandum of Finance Director, with enclosures, re: SCADA System Controls Equipment, Hardware and Panel Fabrication Contract.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

5. Resolution of the Council, re: Award of contract for SCADA System Controls Equipment, Hardware and Panel Fabrication Contract.

Town Administrator Gerald Kempen noted that the SCADA System would retrieve information wirelessly from the Sewer Pump stations. It is intended to identify problems before they occur. The current system used is having two Sewer employees check the pump stations daily.

Councillor Santos requests a modification to the bid specs to include all out of state contractors to include their contractor's license numbers.

Jonathan S. Gerhard, P.E., Senior Project Engineer, C & E Engineering Partners, Inc. addressed the Council noting all information at each pump station will be recorded using this system, including failures. C & E Engineering Partners will be overseeing the project.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

6. Memorandum of Finance Director, with enclosures, re: SCADA System Controls Equipment, Hardware and Panel Installation Contract.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

7. Resolution of Council, re: Award of contract for SCADA System Controls Equipment, Hardware and Panel Installation Contract.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.

8. Memorandum of Councillor Louis P. DiPalma, re: 2008 Middletown legislative agenda.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.

School Committee/Town Council meeting to identify Town's needs and to propose appropriate legislation, meeting will be held with the Town's General Assembly delegation concerning same, December date to be announced.

9. Appointment of one (1) member to the Planning Board for a term expiring February 2009.

Councillor Silveira nominated Francis Spillane to serve on said board.

Vice Chair Mello nominated Gladys Lavine.

A vote was taken; Council President Rodrigues, Vice Chair Mello, Councillors Barrow, Santos and Sylvia voted for the appointment of Gladys Lavine; Councillors DiPalma and Silveira voted NO. Gladys Lavine is appointed to said board to complete a term expiring February 2009.

**10. Review of Preliminary Wet-Weather Storage Feasibility Study.
(Wave Avenue pump station)**

On motion of Vice Chair Mello, duly seconded, it was voted to receive said Preliminary Wet-Weather Storage Feasibility Study.

Thomas Payne, representing The Louis Berger Group, Inc., addressed the Council reviewing the following pages included in the Preliminary Wet-Weather Storage Feasibility Study entered here:

Mr. Payne noted that because of the cost, impact of construction, and location this is not feasible for a storage facility.

Town Administrator Kempen noted the study has been forwarded to DEM and DEM has acknowledged receipt of the study.

11. Discussion of Proposed Draft - Town of Middletown Employee Handbook/Policies

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive Proposed Town of Middletown Employee Handbook/Policies.

Town Administrator Kempen addressed the Council reviewing the process and reason the Employee Handbook/Policies was created.

Councillor Sylvia expressed concern with the Suspected Misconduct/Dishonesty Policy and requests clarification of the Acknowledgement statement.

Discussion centered around if the Unions have been issued a copy of the proposed handbook, if there have been any responses from the unions, how the handbook will be distributed to employees and when the handbook will be finalized.

Councillor Santos expressed concern with employees which may be veterans receiving proper benefits from the Town if called to duty.

It was the consensus of the Council to have the Town Solicitor Frank Holbrook review the document in its entirety and then bring the document back to the Council for review.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Wendy J. W. Marshall, CMC

Town Clerk

No one addressed the Council during this session.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 7:50 P.M.

Wendy J.W. Marshall, CMC

Council Clerk